

## **REMARKS**

### **I. Status of the Claims**

Claims 1-4, 7-9, 11-16, 19-21 and 23-27 were pending in the application prior to this amendment.

By this Amendment claims 1 and 13 have been canceled, and claims 2, 3, 7, 9, 11, 12, 14, 15, 19, 21, and 23-27 have been amended. No new matter has been introduced by this Amendment.

### **II. Rejections Under 35 U.S.C. §112, Second Paragraph:**

Claim 1 has been rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-4, 7-9, 11, 12 and 26 have also been rejected as claims that are dependent on rejected claim 1.

More specifically, the Examiner has deemed the term “predetermined value” indefinite in claim 1. Claim 1 has been canceled in this amendment, and the limitations of claim 1, including the term “predetermined value,” have been consolidated into claim 26.

We respectfully disagree with the Examiner’s assessment of the term “predetermined value.” One of ordinary skill in the art at the time the invention was made would have no difficulty understanding the term and its relevance to the claimed subject matter when such are considered in light of explanations in the specification. For example, a predetermined scan count of 100 is used to explain the process of the present invention on page 18, lines 20-26 of the specification.

As a result, Applicants do not believe that the term “predetermined value” requires amendment in claim 26, as it is readily understandable to one of ordinary skill in the art. Claims 2-4, 7-9, 11 and 12 depend from claim 26, and are likewise understandable.

### **III. Rejections Under 35 U.S.C. §102(e):**

Claims 1-3, 13-16, 19-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by US 6,141,043 to Suzuki et al. (hereafter “Suzuki”).

Claims 26 and 27, previously indicated as containing allowable subject matter by the Examiner, have been rewritten in independent form including the limitations of claims

1 and 13, respectively. Independent claim 25 has also been rewritten to include at least the allowable subject matter of claim 27. All of the other pending claims in the application depend from claims 26 or 27.

As a result, Applicants believe that claims 2-4, 7-9, 11, 12, 14-16, 19-21 and 23-27 are distinguishable from the references cited by the Examiner.

**IV. Objections to the Claims:**

Claims 4, 26 and 27 are objected due to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 26 and 27 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims as suggested by the Examiner. All of the other pending claims in the application depend from claims 26 or 27.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of both the objections and rejections of claims and the allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4742. A DUPLICATE OF THIS SHEET IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4742. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
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Dated: May 19, 2006

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